

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION**

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**BIANCA JOHNSON, et al.,**

**Plaintiffs,**

**v.**

**ANDREW HOLMES,**

**Defendant.**

**Case No. 3:16-cv-00016**

\_\_\_\_\_  
**RODNEY HUBBARD, et al.,**

**Plaintiffs,**

**v.**

**ANDREW HOLMES**

**Defendant.**

**DECLARATION OF  
JEFFREY E. FOGEL**

I hereby declare, under penalty of perjury, the following:

1. I am the attorney for plaintiffs and am fully familiar with the proceedings herein.
2. During the course of discovery, defendants produced a chart of traffic summonses by Defendant Holmes broken down by year, race and sex. Ex. 9.<sup>1</sup>
3. Plaintiff then sought comparable data for all officers who worked the same sectors as defendant during the same period of time. Ex. 5.

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<sup>1</sup>All exhibits are attached to Plaintiff's Memo.

4. Initially defendant objected that plaintiff's request was "not relevant to the Plaintiff's claim are not proportional to the needs of the case and the burden of expense of the proposed discovery outweighs its likely benefit" Thereafter, defendant agreed to produce statistics, comparable to those produced for Defendant Holmes so that a comparison could be made. Ex. 6. That chart that was produced was the Comparator Table. Ex. 8.
5. The Comparator Table provided just what I had asked for, a basis for comparing Holmes' traffic summonses to those of other officers working the same geographic area as Holmes during the same year.
6. If the Table reflected both traffic summonses as well as non-traffic summonses, I would not have been able to make a comparison since I was never provided with any information about Holmes' non-traffic summonses.

s/  
\_\_\_\_\_  
Jeffrey E. Fogel

Dated: